



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 1992 - 2001**



INVESTIGATIONS	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total Investigations Initiated, by Primary Type of Conduct¹										
Sherman §1 - Restraint of Trade	84	110	136	98	93	73	80	55	82	80
Sherman §2 - Monopoly	3	7	22	16	14	8	5	5	8	11
Clayton §7 - Mergers	84	102	102	134	237	276	228	230	177	175
Others	5	5	9	1	3	5	2	3	10	9
Business Reviews										
Requested	9	20	32	49	28	22	16	12	15	14
Closed	10	21	27	29	37	39	19	9	12	6
- Granted	6	14	24	17	15	32	12	7	9	5
- Denied	-	-	1	-	2	1	-	2	-	-
- Declined	1	2	1	1	2	5	-	-	2	1
- Withdrawn	3	5	1	11	18	1	7	-	1	-
Pending	18	17	22	42	33	16	13	16	19	27

¹ Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications. We have adjusted FY 1981 through FY 1990 records which previously counted investigations each time they went into a different phase. Matters are now counted only once, even if they go through several stages of investigation.

INVESTIGATIONS	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Hart-Scott-Rodino (HSR) Premerger Notifications										
Received	1,589	1,846	2,301	2,816	3,094	3,702	4,728	4,642	4,926	2,376
HSR Investigations Initiated	52	72	57	88	186	220	170	172	137	106
Number of Cases Filed	2	2	9	8	9	14	14	19	20	7
Total Preliminary Inquiries -- Criminal, Civil Non-Merger, and Merger										
Initiated	147	185	254	227	331	344	295	277	241	205
Cases Filed or Investigations Ceased	144	200	224	258	295	323	282	283	223	208
Pending	129	114	144	113	149	170	183	177	195	192
Total number of CIDs Issued²	463	470	1,135	2,029	1,878	1,629	1,488	919	980	822
Documentary	26	45	206	197	365	290	268	78	56	64
Written	94	21	40	165	47	31	29	76	98	169
Oral	143	113	307	707	857	629	605	182	257	301
Documentary/Written ³	200	291	582	960	609	679	586	583	569	288

² A very limited number of investigations with peculiar factual circumstances (e.g., large number of local markets at issue, large number of potentially competitive products, and the large volume of commerce involved) account for the large increase in the numbers of civil investigative demands (CIDs) issued since 1994. For the vast majority of investigations, there was little or no increase in the use of CIDs.

³ Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

INVESTIGATIONS	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Civil Investigations										
<i>Merger Investigations</i>	87	109	105	134	237	277	230	230	178	147
a. HSR Investigations	52	72	57	88	186	220	176	175	137	106
- Merger Investigations (second requests)	22	32	25	56	102	120	102	68	55	43
b. Non-HSR Investigations	35	37	48	45	49	57	54	55	41	41
- Merger Investigations (CIDs issued, non-HSR)	9	8	13	9	15	13	20	13	7	2
c. Merger CIDs Issued ⁴	-	-	358	741	762	1,141	876	690	783	658
<i>Non-Merger Investigations</i>	63	83	152	93	94	91	94	56	40	30
- Non-Merger Investigations (CIDs issued) ⁵	4	17	54	44	32	24	26	15	9	16
- Non-Merger CIDs Issued	-	-	740	1,247	1,108	409	406	180	168	166
<i>Merger Investigation Results</i>										
- Actions Filed in District Court ⁶	4	5	10	9	9	14	15	21	21	8
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	4	6	12	9	21	17	36	25	27	24
<i>Total Number of Public Challenges</i>	8	11	22	18	30	31	51	46	48	32
<i>Civil Non-Merger Investigation Results⁷</i>										
- Actions Filed in District Court	-	-	-	10	15	20	5	7	2	-

⁴ Some CIDs covered more than one investigation, and some CIDs were issued for previously opened investigations; figures available from FY 1994.

⁵ This statistic only includes the first CID issued in an investigation.

⁶ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

⁷ Statistics for this section are available only from FY 1995.

INVESTIGATIONS AND CASES	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Criminal Investigations										
<i>Grand Jury Investigations</i>										
- Initiated	51	51	28	30	27	28	30	19	26	26
- Terminated	57	62	62	45	32	20	17	28	35	18
- Pending	144	133	99	84	79	87	100	91	82	90
Criminal Cases Filed	78	84	57	60	42	38	62	57	63	44
- Individuals Charged	65	50	50	32	22	29	52	46	60	39
- Corporations Charged	64	62	55	40	41	24	19	17	40	22

DISTRICT COURT ANTITRUST CASES	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total Civil Cases										
- Filed	12	9	21	24	29	20	23	29	23	9
- Terminated	13	14	10	22	22	24	26	21	12	23
Won	12	11	7	21	22	23	25	21	12	23
Lost	-	1	-	-	-	1	1	-	-	-
Dismissed	1	2	3	1	-	-	-	-	-	-
- Pending	10	5	16	18	25	21	18	26	37	23
(1) Restraint of Trade - Civil (Sherman §1)										
- Filed	3	2	8	12	14	3	4	5	1	-
- Terminated	1	3	1	11	7	13	7	7	-	-
Won	1	3	1	11	7	13	7	7	-	-
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-
(2) Monopoly - Civil (Sherman §2)										
- Filed	1	-	1	1	2	1	3	2	1	-
- Terminated	1	-	-	1	2	1	-	2	-	-
Won	1	-	-	-	2	1	-	2	-	-
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	1	-	-	-	-	-	-

DISTRICT COURT ANTITRUST CASES	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
(3) Merger Cases (Clayton §7)										
- Filed	4	5	9	9	9	14	15	21	21	8
- Terminated	5	8	7	7	8	9	17	9	12	23
Won	4	6	4	7	8	8	16	9	12	23
Lost	-	1	-	-	-	1	1	-	-	-
Dismissed	1	1	3	-	-	-	-	-	-	-
(4) Damage Actions - Civil										
- Filed	1 ⁸	-	1	-	-	-	-	-	-	-
- Terminated	1	-	1	-	-	-	-	-	-	-
Won	1	-	1	-	-	-	-	-	-	-
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-
(5) Other Civil										
- Filed	4	2	2	2	4	2	1	2	-	1
- Terminated	6	3	1	3	5	1	2	3	-	-
Won	6	2	1	3	5	1	2	3	-	-
Lost	-	1	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-

⁸ This is the same case as counted under "Monopoly - Civil" above. The case was a violation of Section 2, but the settlement also included damages which the defendants paid.

DISTRICT COURT ANTITRUST CASES	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total Criminal Cases										
Filed	78	84	57	60	42	38	62	57	63	44
Won	101	73	51	65	38	40	64	48	52	38
Lost	5	3	4	2	5	1	1	2	-	2
Pending ⁹	-	-	-	-	-	-	17	24	35	39
Appeal Decisions	15	7	9	7	6	4	6	-	-	5
(1) Restraint of Trade - Criminal (Sherman §1)										
Filed	70	78	52	49	39	32	57	53	52	37
Won	92	68	46	58	31	35	59	45	44	29
Lost	4	2	4	2	4	1	1	2	-	1
Pending ¹⁰	-	-	-	-	-	-	16	22	30	37
(2) Criminal Cases Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements										
Filed	8	5	5	11	3	6	5	4	11	8
Won	9	5	5	7	7	5	5	3	8	10
Lost	1	1	-	-	1	-	-	-	-	1
Pending ¹¹	-	-	-	-	-	-	1	2	5	2

⁹ This is a new statistic as of the FY 1999 Workload Statistics Report.

¹⁰ This is a new statistic as of the FY 1999 Workload Statistics Report.

¹¹ This is a new statistic as of the FY 1999 Workload Statistics Report.

APPELLATE CASES	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Antitrust Division Cases, <i>Court of Appeals</i>										
- Filed	18	19	10	20	17	14	23	10	10	3
- Terminated	17	13	13	11	13	12	12	6	3	6
Won	14	8	11	8	8	9	9	4	3	4
Lost	3	3	2	3	-	-	3	2	-	1
Dismissed	-	2	-	-	5	3	-	-	-	1
Antitrust Division Cases, <i>Supreme Court</i>										
- Filed	2	4	4	1	-	2	2	1	1	1
- Terminated	-	4	-	3	4	1	-	1	-	1
Won	-	3	-	2	-	1	-	1	-	1
Lost	-	1	-	1	-	-	-	-	-	-
Dismissed	-	-	-	-	4	-	-	-	-	-
Amicus Cases, <i>Court of Appeals</i>										
- Filed	1	-	2	4	6	3	3	-	5	2
- Terminated	-	1	-	4	4	7	2	1	2	2
Won	-	1	-	1	2	6	1	1	2	1
Lost	-	-	-	3	2	-	1	-	-	1
Dismissed	-	-	-	-	-	1	-	-	-	-

APPELLATE CASES	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<i>Amicus Cases, Supreme Court</i>										
- Filed	5	-	1	1	3	2	4	1	1	1
- Terminated	1	4	1	1	3	1	4	-	1	1
Won	1	4	-	1	1	1	3	-	1	1
Lost	-	-	-	-	2	-	1	-	-	-
Dismissed	-	-	1	-	-	-	-	-	-	-
<i>Other Agencies' Cases (Administrative Law Cases), Court of Appeals</i>										
- Filed	113	134	159	130	111	211	428	113	69	35
- Terminated	56	106	38	121	99	63	52	110	85	34
Won	21	55	15	68	30	23	20	47	21	17
Lost	7	16	5	11	10	7	7	8	1	15
Dismissed	28	35	18	42	59	33	25	55	63	2
<i>Other Agencies' Cases, Supreme Court</i>										
- Filed	4	-	-	-	5	1	10	7	4	3
- Terminated	3	3	1	-	4	-	-	4	2	1
Won	3	2	1	-	2	-	-	3	1	1
Lost	-	-	-	-	2	-	-	1	-	-
Dismissed	-	1	-	-	-	-	-	-	1	-

JUDGMENT ENFORCEMENT¹²	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Divestitures	2	3	1	4	6	13	9	20	17	9
Compliance Reports ¹³	94	83	79	71	65	60	NA	NA	-	-
Decrees Modified/Terminated	3	3	9	5	6	1	4	3	4	6
Contempt Cases	-	-	-	1	1	-	1	3	-	-
Modification/Termination Investigations¹⁴										
- Initiated	6	2	1	-	5	5	6	11	-	-
- Terminated	2	5	9	4	4	3	4	3	6	-
- Pending	21	18	10	6	7	9	11	19	13	13

¹² This category of statistics does not include activity concerning the enforcement of the modified final judgement in the AT&T case.

¹³ This data was not available for FY 1998 or FY 1999.

¹⁴ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹⁵	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Fines Imposed¹⁶										
Total Individual Fines (\$000)	1,275	1,868	1,240	1,211	1,572	1,247	2,499	12,273	5,180	2,019
- Number of Individuals Fined	27	45	33	25	16	17	20	50	43	20
Total Corporate Fines (\$000)	22,430	40,427	38,996	40,222	25,245	203,931	241,645	959,866	303,241	270,778
- Number of Corporations Fined	45	64	59	32	31	30	18	25	26	14
Total Fines Imposed (\$000)	23,705	42,295	40,236	41,433	26,817	205,178	244,144	972,138	308,421	272,797
Restitution Imposed in Connection with Criminal Cases¹⁷ (\$000)	3,550	950	4,220	1,200	799	275	4,250	2,343	1,713	31,083
- Number of Defendants	15	16	4	7	5	2	3	12	20	17
HSR Penalties (\$000)	2,000	1,976	2,600	425	7,650	5,796	500	3,285	-	-
- Number of Corporations	3	-	1	-	4	3	2	4	-	2
- Number of Individuals	-	1	-	1	-	1	-	1	-	-

¹⁵ Dollar figures are amounts imposed during the fiscal year.

¹⁶ Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

¹⁷ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Incarceration										
Number of Individuals Sentenced	29	56	40	27	19	17	16	54	47	24
Number of Individuals Sentenced to Incarceration Time	11	14	9	16	5	3	5	28	18	11
Total Number of Actual Days of Incarceration Imposed by the Court	2,488	4,726	1,497	3,902	2,431	789	1,301	6,662	5,584	4,800
Other Confinement¹⁸										
Individuals Sentenced to Other Confinement	15	26	22	16	8	9	10	25	20	12
Number of Other Confinement Days	1,734	3,552	2,475	2,933	1,148	1,270	1,530	2,850	2,567	1,844

¹⁸ Includes house arrest or confinement to a halfway house or community treatment center.

PARTICIPATION IN BANK MERGER PROCEEDINGS	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total Screenings	1,539	1,873	1,927	1,897	1,788	1,850	1,923	1,698	1,373	1,328
Screenings Requiring Competitive Analysis	1,141	1,201	1,177	1,211	1,231	1,197	1,225	1,109	945	859

INTERNATIONAL ANTITRUST ACTIVITY	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Notifications to Foreign Gov'ts. and International Organizations	53	53	60	76	73	77	96	93	143	126
Representation at/Negotiations with Foreign Gov'ts. and Int'l. Orgs.	43	18	44	40	42	47	50	55	51	53
Applications for Export Trade Certificates	10	8	6	7	5	4	3	5	6	3
Certificates Issued	9	6	7	6	3	4	3	3	4	3

FILINGS IN REGULATORY AGENCY PROCEEDINGS¹⁹	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Department of Transportation	6	2	-	3	-	-	2	-	-	-
Federal Energy Regulatory Commission	9	4	1	2	-	-	-	1	-	-
Securities and Exchange Commission	-	-	-	2	1	-	1	-	2	-
Federal Communications Commission	5	2	2	1	8	5	6	-	5	7
Federal Maritime Commission	10	2	2	1	-	-	-	-	-	-
Interstate Commerce Commission	9	4	1	4	-	-	-	-	1	-
Other	9	6	4	1	1	3	2	-	6	-
Total	48	20	10	14	10	8	11	1	14	7

¹⁹ These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
4F (HSR) Information	16	14	5	11	21	9	2	2	2	1
Advice on Surplus Property	5	1	-	1	-	-	-	5	-	-
Meetings of Interagency Task Forces/Committees ²⁰	57	99	54	56	13	41	28	35	47	46
Congressional Appearances	7	1	10	7	5	4	10	11	20	4
Congressional/OMB Requests for Comments	827	497	782	514	675	579	779	629	568	424
White House Referrals	278	293	411	450	325	137	722	196	25	625
Congressional Correspondence	317	275	422	586	365	435	581	628	578	597
Statutory Reports	52	88	37	77	-	3	-	5	4	21
Joint Research & Development Filings	58	78	74	109	83	56	38	61	47	24
FOIA Requests	482	357	313	368	335	226	276	247	242	207
Privacy Act Requests	7	4	2	5	8	17	6	3	9	16

²⁰ These figures reflect the number of interagency task forces or committees that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.